



Attorney Docket No. 463P065

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Masahiro Ohishi and Mitsuru Kanokogi**

Serial No.: 09/558,562

Examiner: **Thomas, Courtney D**

Filed: **April 26, 2000**

Art Unit: **2882**

For: **DISTANCE MEASURING SYSTEM**

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231
Sir:


LETTER

The above-identified applicant enclose for filing a Request for filing a Continuing patent application entitled "**DISTANCE MEASURING SYSTEM**". Said attached Request for filing a Continuing patent application includes (1) Continued Prosecution Application (CPA) Request (2-Pages); (2) Petition for Extension of Time (1-Page); and (3) Fee Transmittal Form, together with a check in the amount of \$850.00 in payment of the filing fee and extension fee for one month.

All correspondence concerning this application should be mailed to:

**Kevin S. Lemack
Niels & Lemack
176 E. Main Street
Westboro, Massachusetts 01581**

Respectfully submitted,


**Kevin S. Lemack
Attorney for Applicants
Registration No. 32,579**

Date: August 27, 2002

EXPRESS MAIL NO: EU057616205US

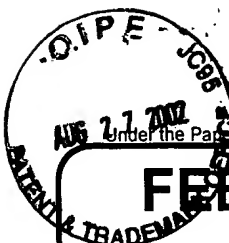
#8/Letter
9.3.02

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TECHNOLOGY CENTER 2800

AUG 29 2002

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 850.00

Complete if Known

Application Number	09/448,562
Filing Date	April 26, 2000
First Named Inventor	Masahiro Ohishi
Examiner Name	Thomas, Courtney D.
Group Art Unit	2882
Attorney Docket No.	463P065

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

14-0930

Deposit Account Name

Nields & Lemack

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
101	740	201	370	Utility filing fee
106	330	206	165	Design filing fee
107	510	207	255	Plant filing fee
108	740	208	370	Reissue filing fee
114	160	214	80	Provisional filing fee

Fee Paid

740

SUBTOTAL (1) (\$) 740.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
5	-20** = 0	18	0
1	-3** = 0	84	0
Multiple Dependent		280	0

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for ex parte reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Processing fee under 37 CFR 1.17(q)
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

Name (Print/Type) Kevin S. Lemack

Registration No. (Attorney/Agent)

32,579

Complete (if applicable)

Telephone (508, 898-1818)

Signature

Date August 27, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Masahiro Ohishi et al.
Serial No. : 09/558,562
Filed : April 26, 2000
For : DISTANCE MEASURING SYSTEM
Examiner : Thomas, Courtney D.
Art Unit : 2882
Attorney
Docket No. : 463P065
Type of paper : Letter

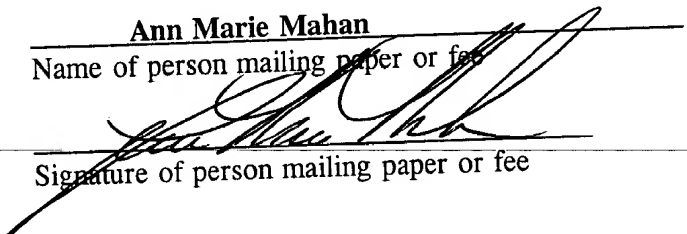
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"EXPRESS MAIL" MAILING LABEL NO. EU057616205US
DATE OF DEPOSIT: August 27, 2002

I hereby certify that this patent application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner of Patents, **BOX: CPA**, Washington, D.C. 20231.

Ann Marie Mahan

Name of person mailing paper or fee


Signature of person mailing paper or fee



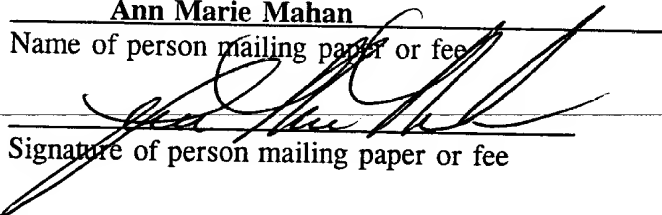
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Serial No. : 09/558,562
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Examiner : Thomas, Courtney D.
Art Unit : 2882
Attorney
Docket No. : 463P065
Type of paper : Fee Transmittal Form, together with a check

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Ann Marie Mahan
Name of person mailing paper or fee

Signature of person mailing paper or fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

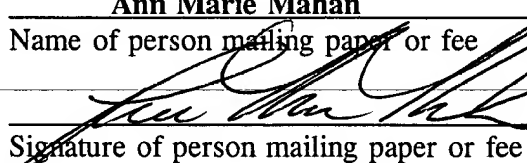
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Serial No. : 09/558,562
Filed : April 26, 2000
For : DISTANCE MEASURING SYSTEM
Examiner : Thomas, Courtney D.
Art Unit : 2882
Attorney
Docket No. : 463P065
Type of paper : **Continued Prosecution Application (CPA)
Request Transmittal Form**



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DATE OF DEPOSIT: August 27, 2002

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Ann Marie Mahan
Name of person mailing paper or fee

Signature of person mailing paper or fee



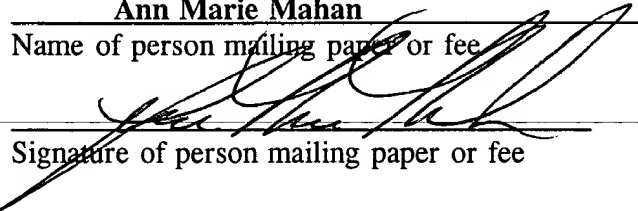
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Applicants : Masahiro Ohishi et al.
Serial No. : 09/558,562
Filed : April 26, 2000
For : DISTANCE MEASURING SYSTEM
Examiner : Thomas, Courtney D.
Art Unit : 2882
Attorney
Docket No. : 463P065
Type of paper : **Petition for Extension of Time**

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AUG 29 2002
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"EXPRESS MAIL" MAILING LABEL NO. **EU057616205US**
DATE OF DEPOSIT: August 27, 2002

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Ann Marie Mahan
Name of person mailing paper or fee

Signature of person mailing paper or fee

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
☐ DUPLICATE

C. Moore

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No.
of Prior Application

463P065

First Named Inventor

Masahiro Ohishi

Examiner Name

Thomas, Courtney D.

Group Art Unit

2882

Express Mail Label No.

EU057616205US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09 / 558,562,
filed on April 26, 2000, entitled DISTANCE MEASURING SYSTEM

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on July 24, 2002 under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
.....
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

[Page 1 of 2]

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		5 -20* =	0	x \$ 18.00 =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		1 -3** =	0	x \$ 84.00 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 280.00 =	0
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	740.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					-
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	740.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to
 Deposit Account No. 14 - 0930:

a. ☒ Fees required under 37 CFR 1.16.

b. ☒ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$ 740.00 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(i) enclosed).

11. ☐ New Attorney Docket Number, if desired _____

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☒ Other: Petition for Extension of Time

NOTE: The prior application's correspondence address will carry over to this CPA
 UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

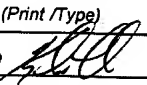
☐ Customer Number or Bar Code Label

or ☒ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Kevin S. Lemack				
	Niels & Lemack				
Address	176 E. Main Street				
City	Westboro	State	MA	Zip Code	01581
Country	U.S.A.	Telephone	(508, 898-1818	Fax	(508, 898-2020

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kevin S. Lemack
Signature	
Registration No. (Attorney/Agent)	32,579
Date	August 27, 2002